

## **REMARKS / ARGUMENTS**

In complete response to the second Final Office Action dated July 10, 2006, on the above identified application, reconsideration is respectfully requested. Claims 22-25, 27-35, 37-45, 46-51, and 53 are pending in this application. Claims 26, 45 and 54 have been cancelled. Claims 22, 23, 27, 31, 32, 35, and 38 are currently amended.

Independent claims 22 and 32 have been amended to delete the limitation of "recovering the cooled fluid" and to include the limitation of "diverting at least a portion of the cooled fluid and exiting said confinement". Claims 23, 27, 31, 35, and 38, which are dependent upon either claim 22 or claim 32, were also amended to delete the term "recovered" and to include the term "diverted".

Support for these amendments may be found in the specification at page 6, lines 9-14, wherein it states "After having traveled a portion of the length of this calming passage **16**, most of the air sucked in by the centrifugal fan **13** escapes through the exit manifold **17**, while a small portion of this air travels toward the upstream end **7** of the mixing pipe **6**, before recirculating in said pipe."

Further support may be found in the specification at page 6, lines 18-22, wherein it states "in the example shown, this serves to cool articles **24** made of chocolate to be solidified, by sending the air recovered in the exit manifold **17** directly on top of the chocolate."

Further support may also be found in Figure 1, which clearly shows that the cooled fluid is diverted through exit manifold **17**, and impacts objects **24**.

Independent claims 22 and 32 have been amended to include the limitations previously found in claim 26. Claim 26 has been cancelled.

Applicant gratefully acknowledges the Examiner's indication that claim 52 is allowable

**Claim Rejections Under 35 U.S.C. § 102:**

Claims 22-33, 35, 37-41, 43-51, and 53-54 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Miller et al. '673. Applicant respectfully submits that claims 22-33, 35, 37-41, 43-51, and 53-54 are not anticipated by Miller et al. '673.

Applicant gratefully acknowledges the Examiner's suggestions regarding the status and prosecution of this application. Independent claims 22 and 32 have been amended to include the limitations of "diverting at least a portion of the cooled fluid and exiting said confinement" and "wherein said flow rate of said fluid is slowed by directing said stream toward an impact surface" as suggested by the Examiner.

Accordingly, the rejection, as pertaining to these claims, is unsupported, and it is respectfully requested that this rejection be withdrawn. As claims 23-25, 27-31, 33, 35, 37-41, 43-44, 46-51, and 53 are dependent upon these claims, the rejection should be withdrawn as pertaining to these claims as well. Claims 26, 45, and 54 have been cancelled, thereby rendering these rejections, as pertaining to these claims, moot.

**Claim Rejections Under 35 U.S.C. § 103:**

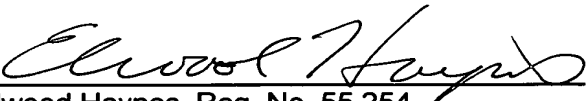
Claims 34 and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller et al. '673. Applicant respectfully submits that claims 34 and 42 are not unpatentable over Miller et al. '673, for all the reasons discussed above.

Appl. No. 10/501,270  
Amdt. dated August 8, 2006  
Reply to Second Final Office Action of July 10, 2006

## CONCLUSION

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the Examiner believe a telephone call would expedite the prosecution of the application, he is invited to call the undersigned attorney at the number listed below.

Respectfully submitted,


  
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Date: **August 8, 2006**

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### CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 8<sup>th</sup> day of August, 2006.

  
Diana Guzman